

REMARKS**I. General**

Claims 57-74 and 90 are pending in the present application. Claim 62 has been amended by the present amendment. The outstanding issues in the current Office Action are as follows:

- Claims 57-74 and 90 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,859,967 (hereinafter, *Kaufeld*).

Applicant respectfully requests withdrawal of the rejections in light of the amendments and remarks contained herein.

II. Amendments

Claim 62 has been amended to correct an obvious error by changing “method” to “system,” such that the claim agrees with the claim form which it depends. No new matter has been added.

Claim 65 has been written to properly omit the deleted language “[receiving means],” which improperly appeared in the appeal brief, but had been deleted in the amendment in response to the Office Action mailed August 7, 2000. No new matter has been added.

III. Rejections Under 35 U.S.C. §102(e)

On page 2 of the Office Action claims 57-74 and 90 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Kaufeld*. Applicant traverses the rejection and asserts the claims are allowable, at least, for the reasons stated below.

In order for a claim to be properly rejected under 35 U.S.C. § 102(e), the applied reference must teach each and every element of the claimed invention. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the ...claim.”

M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). Applicant respectfully asserts that the rejection of record does not satisfy these requirements.

Claim 57 recites “wherein said reproducing circuit [at the intermediate station] also produces an indicia of payment authorizing delivery of said human readable information to said selected location.” *Kaufeld* does not disclose a reproducing circuit at the intermediate station that reproduces the transmitted information in human readable form and that also produces an indicia of payment authorizing delivery of said human readable information to the selected location. The computer of *Kaufeld* relied upon as the intermediate station by the Examiner does not reproduce the transmitted data in human readable form. *See e.g.* column 5, lines 26-28, and column 7 lines 6-8. Moreover, the stamps disclosed in *Kaufeld* are not generated by a reproducing circuit of the intermediate station, but rather are generated by a registration process and provided to a user for inclusion in an email transmitted from the transmitting location to the intermediate location. *See e.g.* column 5, lines 1-8, and column 6, lines 7-11. Thus, *Kaufeld* does not teach a reproducing circuit that produces an indicia of payment authorizing deliver of said human readable information to said selected location. Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 57 also recites “a converter circuit [at the intermediate station] adapted . . . to convert said transmission to electronic form if said transmitted information is not initially in electronic form.” The Examiner asserts that the limitation is disclosed in column 3, line 31-column 4, line 28. The cited passage teaches “an email processing, converting, and facsimile transmission computer that receives the email message . . . [and] converts the electronic mail to facsimile, and transmits the facsimile.” Column, lines 33-39. However, the cited passage does not teach or suggest a converter circuit adapted to convert a transmission to electronic form if the transmitted information is not initially in electronic form, nor does it describe the transmitted information being in any form other than email (electronic). Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claims 58-74 and 90 depend either directly or indirectly from, and inherit all of the limitations of, independent claim 57 shown above to be allowable over the applied art. Therefore, claims 58-74 and 90 are allowable, at least, because of their dependence from claim 57. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record. Moreover, claims 58-74 and 90 contain additional novel limitations which the applied art does not teach or suggest.

For example, claim 58 recites “wherein said intermediate location is selected according to proximity to said selected location.” The Examiner cites to column 6, lines 24-55 as teaching this limitation, but the Applicant respectfully asserts that the cited passage does not teach or suggest this limitation. The passage recites “the user first addresses the email to the number of the facsimile machine to which the final facsimile message is to be delivered at fxsav.com, or to any suitable domain.” This does not teach selecting an intermediate location according to proximity to the selected location, instead it discloses that the domain name does not have to be fxsav.com. There is no disclosure of any criteria (including location) for selecting a suitable domain. Therefore, *Kaufeld* does not disclose selecting any suitable domain because of its proximity to a selected location. The applied reference must teach each limitation in as complete detail as contained in the claim, and clearly cited passage does not teach selecting the intermediate location according to any criteria, let alone according to proximity to the selected location. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 59 recites “wherein said intermediate location selection is accomplished automatically by said transmitting location through reference to address information with respect to said selected location.” Again, the Examiner cites to column 6, lines 24-55 as teaching this limitation. As discussed above, the cited passage does not disclose selecting the intermediate location according to proximity to the selected location, nor does it disclose that the selection is accomplished automatically by the transmitting location through reference to address information with respect to the selected location. The Examiner, by merely asserting that fxsav.com is an intermediate location, and can be any suitable domain, has not shown how *Kaufeld* teaches any selection according to proximity to the selected location, or the selection being accomplished automatically by the transmitting location. Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 60 recites “wherein said intermediate location is selected according to proximity to said transmitting location.” Again, the Examiner cites to column 6, lines 24-55 as teaching this limitation. As discussed above, the cited passage does not disclose any criteria for a selection of the intermediate location, including where the intermediate location is selected according to proximity to the transmitting location. Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 61 recites “wherein said converter circuit [in the intermediate station] comprises: circuitry adapted to accept electronic documents communicated utilizing different communication protocols.” The Examiner cites to column 3, line 10-column 4, line 28 of *Kaufeld* as disclosing this limitation. However, *Kaufeld* does not disclose the asserted intermediate station (facsimile transmission computer 26) as accepting electronic document communicated utilizing different communications protocols. The cited passage only discloses the transmission computer 26 accepting an email message (describing the email program as Eudora or Pegasus Mail) over the internet from the local computer. Column 3, lines 23-25 and column 3, lines 34-35. The Examiner has not shown that the intermediate station accepts different communication protocols. Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 62 recites “wherein said different communication protocols include at least two protocols selected from the group consisting of: a standardized electronic mail protocol; a special purpose mail communication protocol; a standardized facsimile protocol; a standardized character based protocol; and a standardized packet based protocol.” The Examiner cites to column 3, line 10-column 4, line 28 of *Kaufeld* as disclosing this limitation. However, the cited passage only teaches that the facsimile transmission computer 26 (asserted as the intermediate station) accepts email messages from the local computer. Column 3, lines 33-35. Thus, the cited passage only discloses that the transmission computer accepts one communication protocol (email), whereas the claim requires at least two

protocols. Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 64 recites “converter circuit further comprises: circuitry adapted to verify the accuracy of said delivery address information.” The Examiner asserts that this limitation is disclosed in column 6, lines 24-55, and column 7, lines 13-34, and Figures 4-7. The cited passages teach an email message containing a phone number of the fax machine where the message is to be faxed, and teach sending a notification of successful or unsuccessful delivery to the delineated fax phone number, but there is no disclosure of circuitry adapted to verify the accuracy of the delivery address information (versus a successful delivery to a fax number, albeit an inaccurate number). Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 67 recites “wherein said acknowledgment circuitry is further adapted to transmit said acknowledgment to said transmitting location, wherein said last mentioned portion of the acknowledgment circuit is inactive until said funding means is confirmed.” *Kaufeld* does not disclose this limitation. The cited passage describes sending an email back to the local computer if the facsimile was successfully transmitted, or sending an email back to the local computer stating the stamp is invalid and not delivering the facsimile. Column 7, lines 26-29 and column 8, lines 1-6. However, the cited passage does not disclose the acknowledgement circuit being inactive until the funding means is confirmed. Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 69 recites “wherein said value is deducted from a credit stored at said transmitting location.” The Examiner asserts that this is disclosed in column 5, lines 1-57. The cited passage discloses a stamp used as an authorization code, but does not disclose that the value is deducted from a credit stored at the transmitting location. In fact, *Kaufeld* discloses a counter on computer 26 (asserted by the Examiner as the intermediate station) that deducts a stamp for each usage until the counter reaches zero. Column 7, line 35-column 8

line 18. Thus, even assuming arguendo that a stamp is similar to the value, *Kaufeld* still does not teach that the count down takes place at the transmitting location, which is asserted by the Examiner to be the local computer 30. Therefore, *Kaufeld* does not teach or suggest that the value is deducted from a credit stored at the transmitting location. Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 71 recites “wherein said converter circuit further comprises: means for verifying the accuracy of said delivery address information.” The Examiner asserts that this limitation is disclosed in column 6, lines 24-55, and column 7, lines 13-34, and Figures 4-7. The cited passages teach an email message containing a phone number of the fax machine where the message is to be faxed, and teach sending a notification of successful or unsuccessful delivery to the delineated fax phone number, but there is no disclosure of means for verifying the accuracy of the delivery address information (versus a successful delivery to a fax number, albeit an inaccurate number). Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 72 recites “said time being provided by a secure time piece disposed at said transmitting location.” The Examiner asserts that *Kaufeld* discloses this in column 4, lines 41-46. Although *Kaufeld* teaches a “clock/timer for keeping track of the date and time,” *Kaufeld* does not teach that the clock/timer is secure. Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 73 recites “wherein said ancillary information includes specific delivery information regarding the delivery of said human readable information, indicating selection of at least one delivery option of a plurality of delivery options available for delivery of said transmitted information.” Although the passage cited by the Examiner describes embodiments where delivery will occur by different methods, it does not disclose ancillary information that includes specific delivery information that indicates the selection of at least one delivery option. Column 11, lines 58-62. Therefore, *Kaufeld* does not teach the identical

invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

Claim 90 recites "wherein said intermediate station further comprises: an acknowledgment circuit adapted to produce an acknowledgment of receipt of said transmitted information." The Examiner asserts that *Kaufeld* discloses this limitation. The cited passage discloses an email message sent from the transmission computer back to the local computer over the internet confirming that the facsimile was successfully transmitted or that the transmission failed. Column 7, lines 25-33. However the cited passage does not disclose an acknowledgment circuit adapted to produce an acknowledgment of receipt of the transmitted information (at the intermediate station). Therefore, *Kaufeld* does not teach the identical invention in as complete detail as is contained in the claim. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of record.

IV. Conclusion

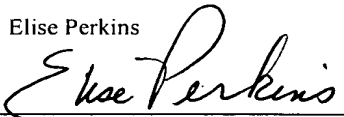
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 61135/P012US/10105074 from which the undersigned is authorized to draw.

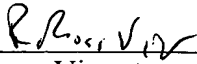
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